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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY STORE**
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**JOINT CASE MANAGEMENT
STATEMENT**

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

Date: October 21, 2021

Time: 10:00 a.m.

10 *In re Google Play Consumer Antitrust*
11 *Litigation*, Case No. 3:20-cv-05761-JD

Courtroom: 11, 19th Floor (via Zoom)

Judge: Hon. James Donato

12 *In re Google Play Developer Antitrust*
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 *State of Utah et al. v. Google LLC et al.*, Case
15 No. 3:21-cv-05227-JD

Pursuant to this Court's Order dated August 17, 2021 (*In re Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD (N.D. Cal. 2021) ("MDL") Dkt. No. 78), setting a status conference for October 21, 2021, the parties in the above-captioned MDL action ("the Parties"), by and through their undersigned counsel, submit this Joint Case Management Statement.

I. CASE STATUS SUMMARY

A. Proposed Case Schedule

Pursuant to the Court's Order dated September 9, 2021 (MDL Dkt. No. 103), the Parties submitted to the Court an agreed proposed scheduling order on September 23, 2021 (MDL Dkt. No. 108) that remains pending. (*See Epic Games Inc. v. Google LLC et al.*, Case No. 3:20-cv-05671-JD ("*Epic Action*"), Dkt. No. 173; *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD ("*Consumer Action*"), Dkt. No. 204; *In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD ("*Developer Action*"), Dkt. No. 147; *State of Utah et al. v. Google LLC et al.*, Case No. 3:21-cv-05227-JD ("*States Action*"), Dkt. No. 157.) As directed by the Court's Order, the Parties' negotiations were guided by the schedule in the *Capacitors Antitrust Litigation* and also the trial date of September 6, 2022. The Parties respectfully request that the Court enter the proposed schedule.

In addition, the Parties understand that pursuant to the Court's Order dated September 9, 2021 (MDL Dkt. No. 103), a proposed trial plan should be finalized and submitted to the Court by mid-January 2022.

B. Stipulated Amended Protective Orders

The Court previously approved and entered in the MDL action a Stipulated Protective Order on May 12, 2021 (MDL Dkt. No. 34) and a Stipulated Supplemental Protective Order Governing Production of Protected Non-Party Materials on May 20, 2021 (MDL Dkt. No. 44). As described in the previous Joint Case Management Statement (MDL Dkt. No. 95), now that the State Plaintiffs are parties to this proceeding, the State Plaintiffs believe these protective orders should be amended to accommodate state laws regarding public records access and document retention. On October 11, 2021, the Parties submitted for the Court's approval a

1 Stipulated Proposed Amended Protective Order (MDL Dkt. No. 116) and a Stipulated Proposed
 2 Amended Supplemental Protective Order Governing Production of Protected Non-Party
 3 Materials (MDL Dkt. No. 117). (*See Epic Action*, Dkt. Nos. 184, 185; *Consumer Action*, Dkt.
 4 Nos. 218, 219; *Developer Action*, Dkt. Nos. 157, 158; *States Action*, Dkt. Nos. 176, 177.) The
 5 Parties respectfully request that the Court enter the proposed orders.

6 **C. Google's Answers to the Complaints**

7 Consistent with the Parties' proposed case schedule (MDL Dkt. No. 108), Google filed
 8 Answers to the operative Complaints in the MDL action on October 11, 2021 (MDL Dkt. Nos.
 9 112-3, 113, 114, 115). (*See Epic Action*, Dkt. No. 183-3; *Consumer Action*, Dkt. No. 217;
 10 *Developer Action*, Dkt. No. 156; *States Action*, Dkt. No. 175.) Google also filed Counterclaims
 11 against Epic (MDL Dkt. No. 112-3, at 26). (*See Epic Action*, Dkt. No. 183-3, at 26.) Epic's
 12 responsive pleadings to Google's Counterclaims are due on November 1, 2021.

13 **II. STATUS OF DISCOVERY**

14 **A. Fact Depositions**

15 The Parties have begun to meet and confer regarding fact depositions and intend to begin
 16 depositions in the next several weeks. Prior to doing so, the Parties will submit to the Court a
 17 proposed deposition protocol, which the Parties are continuing to negotiate and, pending
 18 resolution of some final matters, aim to submit in advance of the October 21 status conference.

19 **B. Google Production of States' Investigation Documents**

20 Google produced to the non-State Plaintiffs on October 12, 2021, the documents
 21 specified in the Stipulation and Proposed Order filed on September 20, 2021 (entered by the
 22 Court on September 23, 2021). (*See MDL Dkt. 107, 109.*)

23 **C. Google Production of MDL Documents to the States**

24 Google produced Google documents and data from this MDL action to the State
 25 Plaintiffs on October 13, 2021.

D. Document Discovery Update

The Parties have made significant progress to date and continue to engage in discovery on a range of topics. There are meet and confers underway to address outstanding discovery issues, and the Parties are hopeful that the remaining issues will be resolved through negotiation.

1
2 Dated: October 14, 2021

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E-FILING ATTESTATION

I, Brian Christensen, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Brian Christensen